United Nations S/2012/927

Security Council

Distr.: General
17 December 2012

Original: English

Guatemala: draft resolution

The Security Council,

Taking note of the letter to the President of the Council from the Secretary-General dated 14 November 2012 (S/2012/845) attaching a letter from the President of the International Tribunal for the former Yugoslavia ("the International Tribunal") dated 29 October 2012,

Recalling its resolution 827 (1993) of 25 May 1993, 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, and its previous resolutions concerning the International Tribunal,

Recalling also its resolution 1966 (2010) of 22 December 2010, establishing the International Residual Mechanism for Criminal Tribunals ("the Mechanism") and requesting the International Tribunal to take all possible measures to expeditiously complete all its remaining work no later than 31 December 2014, prepare its closure and ensure a smooth transition to the Mechanism,

Recalling also its previous resolutions on the extension of the terms of office of the permanent and ad litem judges at the International Tribunal, who are members of the Trial Chambers and the Appeals Chamber,

Recalling further that the branch of the Mechanism for the International Tribunal for the former Yugoslavia shall commence functioning on 1 July 2013 and welcoming the preparatory steps that have been taken in this regard,

Taking into account the assessments by the International Tribunal in its Completion Strategy Report (S/2012/847), and the updated trial and appeals schedule,

Noting the concerns expressed by the President of the International Tribunal about staffing, and reaffirming that staff retention is essential for the timely completion of the International Tribunal's work,

Acting under Chapter VII of the Charter of the United Nations,

1. *Requests* the ICTY to take all possible measures to complete its work as expeditiously as possible with the aim to facilitate the closure of the Tribunal, taking into account resolution 1966 (2010) which requested the International Tribunal to complete its trial and appeals proceedings by 31 December 2014, and recognizes that concerns have been expressed that its current trial and appeal schedules go beyond 31 December 2014;

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2. *Requests* the International Tribunal to present by 15 April 2013 a consolidated comprehensive plan on the completion strategy, closure and transition to the Mechanism, as recommended by the Board of Auditors, and updated and detailed schedules for each of the individual cases with a timeline for each procedural part of the case;

3. *Decides* to examine the consolidated comprehensive plan referred to in paragraph 2 of this resolution before 30 June 2013 with a view to considering what further recommendations should be made to facilitate the International Tribunal's progress towards completion, closure and transition to the Mechanism as soon as possible as requested in resolution 1966 (2010), which could include recommendations on all possible measures to scrutinize the operation and functioning of the Tribunal with the objective of ensuring the most efficient use of the Tribunal's resources and the completion of the Tribunal's mandate;

4. *Underlines* that States should cooperate fully with the International Tribunal, including through the provision of information to assist the Tribunal in its work, as well as with the Mechanism;

5. *Decides* to extend the term of office of the following permanent judges at the International Tribunal, who are members of the Appeals Chamber, until 31 December 2013 or until the completion of the cases to which they are assigned, if sooner:

Carmel Agius (Malta)
Liu Daqun (China)
Theodor Meron (United States of America)
Fausto Pocar (Italy)
Patrick Robinson (Jamaica)

6. *Decides* to extend the term of office of the following permanent judges at the International Tribunal, who are members of the Trial Chambers, until 31 December 2013 or until the completion of the cases to which they are assigned, if sooner:

Jean-Claude Antonetti (France)
Guy Delvoie (Belgium)
Burton Hall (The Bahamas)
Christoph Flügge (Germany)
O-Gon Kwon (South Korea)
Bakone Justice Moloto (South Africa)
Howard Morrison (United Kingdom)
Alphons Orie (The Netherlands)

7. *Decides* to extend the term of office of the following ad litem judges at the International Tribunal, who are members of the Trial Chambers, until 1 June 2013 or until the completion of the cases to which they are assigned, if sooner:

Elizabeth Gwaunza (Zimbabwe)
Michèle Picard (France)
Árpád Prandler (Hungary)
Stefan Trechsel (Switzerland)

8. *Decides* to extend the term of office of ad litem Judge Frederik Harhoff (Denmark), who is a member of the Trial Chambers, until 31 December 2013 or until the completion of the cases to which he is assigned, if sooner;

9. *Decides* to extend the term of office of the following ad litem judges at the International Tribunal, who are members of the Trial Chambers, until 31 December 2013 or until the completion of the cases to which they are assigned, if sooner:

Melville Baird (Trinidad and Tobago)
Flavia Lattanzi (Italy)
Antoine Kesia-Mbe Mindua (Democratic Republic of Congo)

10. *Decides* to remain seized of the matter.

United Nations S/2012/928

Security Council

Distr.: General
17 December 2012

Original: English

France, Germany, Portugal, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1699 (2006), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009), 1988 (2011), and 1989 (2011), and the relevant statements of its President,

Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed, and *reiterating* its unequivocal condemnation of Al-Qaida and other individuals, groups, undertakings and entities associated with it, for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims, destruction of property and greatly undermining stability,

Reaffirming that terrorism cannot and should not be associated with any religion, nationality or civilization,

Recalling the Presidential Statement of the Security Council (S/PRST/2012/17) of 4 May 2012 on threats to international peace and security caused by terrorist acts,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights, refugee and humanitarian law, threats to international peace and security caused by terrorist acts, stressing in this regard the important role the United Nations plays in leading and coordinating this effort,

Expressing concern at the increase in incidents of kidnapping and hostage-taking by terrorist groups with the aim of raising funds, or gaining political concessions, and *reiterating* the continued need for this issue to be addressed,

Stressing that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States, and international and regional organizations to impede, impair, isolate and incapacitate the terrorist threat,

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Emphasizing that sanctions are an important tool under the Charter of the United Nations in the maintenance and restoration of international peace and security, and stressing in this regard the need for robust implementation of the measures in paragraph 1 of this resolution as a significant tool in combating terrorist activity,

Urging all Member States to participate actively in maintaining and updating the list created pursuant to resolutions 1267 (1999), 1333 (2000) and 1989 (2011) ("the Al-Qaida Sanctions List") by contributing additional information pertinent to current listings, submitting delisting requests when appropriate, and by identifying and nominating for listing additional individuals, groups, undertakings and entities which should be subject to the measures referred to in paragraph 1 of this resolution,

Reminding the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) ("the Committee") to remove expeditiously and on a case-by-case basis individuals and entities that no longer meet the criteria for listing outlined in this resolution,

Recognizing the challenges, both legal and otherwise, to the measures implemented by Member States under paragraph 1 of this resolution, *welcoming* improvements to the Committee's procedures and the quality of the Al-Qaida Sanctions List, and *expressing* its intent to continue efforts to ensure that procedures are fair and clear,

Welcoming the establishment of the Office of the Ombudsperson pursuant to resolution 1904 (2009) and the enhancement of the Ombudsperson's mandate in resolution 1989 (2011), *noting* the Office of the Ombudsperson's significant contribution in providing additional fairness and transparency, *recalling* the Security Council's firm commitment to ensuring that the Office of the Ombudsperson is able to continue to carry out its role effectively, in accordance with its mandate, and *recalling also* the Presidential Statement of the Security Council (S/PRST/2011/5) of 28 February 2011,

Welcoming the Ombudsperson's biannual reports to the Security Council, including the reports submitted on 21 January 2011, 22 July 2011, 20 January 2012 and 30 July 2012,

Reiterating that the measures referred to in paragraph 1 of this resolution are preventative in nature and are not reliant upon criminal standards set out under national law,

Welcoming the third review in June 2012 by the General Assembly of the United Nations Global Counter-Terrorism Strategy (A/RES/60/288) of 8 September 2006 and the creation of the Counter-Terrorism Implementation Task Force (CTITF) to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system,

Welcoming the continuing cooperation between the Committee and INTERPOL, the United Nations Office on Drugs and Crime, in particular on technical assistance and capacity-building, and all other United Nations bodies, and *encouraging* further engagement with the CTITF to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system,

Recognizing the need to take measures to prevent and suppress the financing of terrorism and terrorist organizations, including from the proceeds of organized

crime, inter alia, the illicit production and trafficking of drugs and their chemical precursors, and the importance of continued international cooperation to that aim,

Noting with concern the continued threat posed to international peace and security by Al-Qaida and other individuals, groups, undertakings and entities associated with it, *reaffirming* its resolve to address all aspects of that threat,

Noting that, in some instances, certain individuals, groups, undertakings and entities that meet the criteria for listing set forth in paragraph 3 of resolution 1988 (2011) or other relevant sanctions resolutions may also meet the criteria for listing set forth in paragraph 4 of this resolution,

Acting under Chapter VII of the Charter of the United Nations,

Measures

1. *Decides* that all States shall take the measures as previously imposed by paragraph 8 (c) of resolution 1333 (2000), paragraphs 1 and 2 of resolution 1390 (2002), and paragraphs 1 and 4 of resolution 1989 (2011), with respect to Al-Qaida and other individuals, groups, undertakings and entities associated with them:

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory;

(b) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified;

(c) Prevent the direct or indirect supply, sale, or transfer to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance or training related to military activities;

2. *Reaffirms* that acts or activities indicating that an individual, group, undertaking or entity is associated with Al-Qaida include:

(a) Participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;

(b) Supplying, selling or transferring arms and related materiel to;

(c) Recruiting for; or otherwise supporting acts or activities of Al-Qaida or any cell, affiliate, splinter group or derivative thereof;

3. *Confirms* that any individual, group, undertaking or entity either owned or controlled, directly or indirectly, by, or otherwise supporting, any individual, group, undertaking or entity associated with Al-Qaida, including on the Al-Qaida Sanctions List, shall be eligible for designation;

4. *Confirms* that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of Al-Qaida and other individuals, groups, undertakings or entities associated with it;

5. *Notes* that such means of financing or support include but are not limited to the use of proceeds derived from crime, including the illicit cultivation, production and trafficking of narcotic drugs and their precursors;

6. *Confirms* further that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the Al-Qaida Sanctions List;

7. *Decides* that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen;

8. *Encourages* Member States to make use of the provisions regarding available exemptions to the measures in paragraph 1 (a) above, set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006), and authorizes the Focal Point mechanism established in resolution 1730 (2006) to receive exemption requests submitted by, or on behalf of, an individual, group, undertaking or entity on the Al-Qaida Sanctions List, or by the legal representative or estate of such individual, group, undertaking or entity, for Committee consideration, as described in paragraph 37 below;

9. *Directs* the Committee to cooperate with other relevant Security Council Sanctions Committees, in particular that established pursuant to resolution 1988 (2011);

Listing

10. *Encourages* all Member States to submit to the Committee for inclusion on the Al-Qaida Sanctions List names of individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities of Al-Qaida, and other individuals, groups, undertakings and entities associated with them, as described in paragraph 2 of resolution 1617 (2005) and reaffirmed in paragraph 2 above;

11. *Reaffirms* that, when proposing names to the Committee for inclusion on the Al-Qaida Sanctions List, Member States shall act in accordance with paragraph 5 of resolution 1735 (2006) and paragraph 12 of resolution 1822 (2008), and provide a statement of case, which should include detailed reasons on the proposed basis for the listing, and *decides further* that the statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing described in paragraph 14 below;

12. *Decides* that Member States proposing a new designation, as well as Member States that have proposed names for inclusion on the Al-Qaida Sanctions List before the adoption of this resolution, shall specify if the Committee or the Ombudsperson may not make known the Member State's status as a designating State;

13. *Recalls* its decision that Member States, when proposing names to the Committee for inclusion on the Al-Qaida Sanctions List shall use the standard form for listing, and provide the Committee with as much relevant information as possible on the proposed name, in particular sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings and entities, and to the extent possible, the information required by INTERPOL to issue a Special Notice, and *directs* the Committee to update, as necessary, the standard form for listing in accordance with the provisions of this resolution; and *further directs* the Monitoring Team to report to the Committee on further steps that could be taken to improve identifying information, as well as steps to ensure that INTERPOL-UN Special Notices exist for all listed individuals, groups, undertakings, and entities;

14. *Welcomes* efforts by the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee's website, at the same time a name is added to the Al-Qaida Sanctions List, a narrative summary of reasons for listing for the corresponding entry, and *directs* the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to continue its efforts to make accessible on the Committee's website narrative summaries of reasons for all listings;

15. *Encourages* Member States and relevant international organizations and bodies to inform the Committee of any relevant court decisions and proceedings so that the Committee can consider them when it reviews a corresponding listing or updates a narrative summary of reasons for listing;

16. *Calls upon* all members of the Committee and the Monitoring Team to share with the Committee any information they may have available regarding a listing request from a Member State so that this information may help inform the Committee's decision on designation and provide additional material for the narrative summary of reasons for listing described in paragraph 14;

17. *Reaffirms* that the Secretariat shall, after publication but within three working days after a name is added to the Al-Qaida Sanctions List, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), in accordance with paragraph 10 of resolution 1735 (2006), *requests* the Secretariat to publish on the Committee's website all relevant publicly releasable information, including the narrative summary of reasons for listing, immediately after a name is added to the Al-Qaida Sanctions List, and *highlights* the importance of making the narrative summary of reasons for listing available in all official languages of the United Nations in a timely manner;

18. *Reaffirms* further the provisions in paragraph 17 of resolution 1822 (2008) regarding the requirement that Member States take all possible measures, in

accordance with their domestic laws and practices, to notify or inform in a timely manner the listed individual or entity of the designation and to include with this notification the narrative summary of reasons for listing, a description of the effects of designation, as provided in the relevant resolutions, the Committee's procedures for considering delisting requests, including the possibility of submitting such a request to the Ombudsperson in accordance with paragraph 21 of resolution 1989 (2011) and annex II of this resolution, and the provisions of resolution 1452 (2002) regarding available exemptions;

Delisting/Ombudsperson

19. *Decides* to extend the mandate of the Office of the Ombudsperson, established by resolution 1904 (2009), as reflected in the procedures outlined in annex II of this resolution, for a period of 30 months from the date of adoption of this resolution, *decides* that the Ombudsperson shall continue to receive requests from individuals, groups, undertakings or entities seeking to be removed from the Al-Qaida Sanctions List in an independent and impartial manner and shall neither seek nor receive instructions from any government, and *decides* that the Ombudsperson shall present to the Committee observations and a recommendation on the delisting of those individuals, groups, undertakings or entities that have requested removal from the Al-Qaida Sanctions List through the Office of the Ombudsperson, either a recommendation to retain the listing or a recommendation that the Committee consider delisting;

20. *Recalls* its decision that the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in place with respect to that individual, group, undertaking or entity, where the Ombudsperson recommends retaining the listing in the Comprehensive Report of the Ombudsperson on a delisting request pursuant to annex II;

21. *Recalls* its decision that the requirement for States to take the measures described in paragraph 1 of this resolution shall terminate with respect to that individual, group, undertaking or entity sixty days after the Committee completes consideration of a Comprehensive Report of the Ombudsperson, in accordance with annex II of this resolution, including paragraph 6 (h) thereof, where the Ombudsperson recommends that the Committee consider delisting, unless the Committee decides by consensus before the end of that sixty-day period that the requirement shall remain in place with respect to that individual, group, undertaking or entity; *provided* that, in cases where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the question of whether to delist that individual, group, undertaking or entity to the Security Council for a decision within a period of sixty days; and *provided further* that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in force for that period with respect to that individual, group, undertaking or entity until the question is decided by the Security Council;

22. *Requests* the Secretary-General to continue to strengthen the capacity of the Office of the Ombudsperson by providing necessary resources, including for translation services, as appropriate, to ensure its continued ability to carry out its mandate in an effective and timely manner;

23. *Strongly urges* Member States to provide all relevant information to the Ombudsperson, including any relevant confidential information, where appropriate,

encourages Member States to provide relevant information in a timely manner, *welcomes* those national arrangements entered into by Member States with the Office of the Ombudsperson to facilitate the sharing of confidential information, *encourages* Member States' further cooperation in this regard, and *confirms* that the Ombudsperson must comply with any confidentiality restrictions that are placed on such information by Member States providing it;

24. *Requests* that Member States and relevant international organizations and bodies encourage individuals and entities that are considering challenging or are already in the process of challenging their listing through national and regional courts to seek removal from the Al-Qaida Sanctions List by submitting delisting petitions to the Office of the Ombudsperson;

25. *Notes* the Financial Action Task Force (FATF) international standards and, inter alia, best practices relating to targeted financial sanctions, as referenced in paragraph 44 of this resolution;

26. *Recalls* its decision that when the designating State submits a delisting request, the requirement for States to take the measures described in paragraph 1 of this resolution shall terminate with respect to that individual, group, undertaking or entity after sixty days unless the Committee decides by consensus before the end of that sixty-day period that the measures shall remain in place with respect to that individual, group, undertaking or entity; *provided* that, in cases where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the question of whether to delist that individual, group, undertaking or entity to the Security Council for a decision within a period of sixty days; and *provided further* that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in force for that period with respect to that individual, group, undertaking or entity until the question is decided by the Security Council;

27. *Recalls* its decision that, for purposes of submitting a delisting request in paragraph 26, consensus must exist between or among all designating States in cases where there are multiple designating States; and *further recalls* its decision that co-sponsors of listing requests shall not be considered designating States for purposes of paragraph 26;

28. *Strongly urges* designating States to allow the Ombudsperson to reveal their identities as designating States, to those listed individuals and entities that have submitted delisting petitions to the Ombudsperson;

29. *Directs* the Committee to continue to work, in accordance with its guidelines, to consider delisting requests of Member States for the removal from the Al-Qaida Sanctions List of individuals, groups, undertakings and entities that are alleged to no longer meet the criteria established in the relevant resolutions, and set out in paragraph 2 of the present resolution, which shall be placed on the Committee's agenda upon request of a member of the Committee, and *strongly urges* Member States to provide reasons for submitting their delisting requests;

30. *Encourages* States to submit delisting requests for individuals that are officially confirmed to be dead, particularly where no assets are identified, and for entities reported or confirmed to have ceased to exist, while at the same time taking all reasonable measures to ensure that the assets that had belonged to these

individuals or entities have not been or will not be transferred or distributed to other individuals, groups, undertakings and entities on the Al-Qaida Sanctions List;

31. *Encourages* Member States, when unfreezing the assets of a deceased individual or an entity that is reported or confirmed to have ceased to exist as a result of a delisting, to recall the obligations set forth in resolution 1373 (2001) and, particularly, to prevent unfrozen assets from being used for terrorist purposes;

32. *Decides* that, prior to the unfreezing of any assets that have been frozen as a result of the listing of Usama bin Laden, Member States shall submit to the Committee a request to unfreeze such assets and shall provide assurances to the Committee that the assets will not be transferred, directly or indirectly, to a listed individual, group, undertaking or entity, or otherwise used for terrorist purposes in line with Security Council resolution 1373 (2001), and *decides further* that such assets may only be unfrozen in the absence of an objection by a Committee member within thirty days of receiving the request, and *stresses* the exceptional nature of this provision, which shall not be considered as establishing a precedent;

33. *Calls upon* the Committee when considering delisting requests to give due consideration to the opinions of designating State(s), State(s) of residence, nationality, location or incorporation, and other relevant States as determined by the Committee, *directs* Committee members to provide their reasons for objecting to delisting requests at the time the request is objected to, and *calls upon* the Committee to share its reasons with relevant Member States and national and regional courts and bodies, where appropriate;

34. *Encourages* all Member States, including designating States and States of residence and nationality, to provide all information to the Committee relevant to the Committee's review of delisting petitions, and to meet with the Committee, if requested, to convey their views on delisting requests, and further *encourages* the Committee, where appropriate, to meet with representatives of national or regional organizations and bodies that have relevant information on delisting petitions;

35. *Confirms* that the Secretariat shall, within 3 days after a name is removed from the Al-Qaida Sanctions List, notify the Permanent Mission of the State(s) of residence, nationality, location or incorporation (to the extent this information is known), and *decides* that States receiving such notification shall take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

Exemptions

36. *Decides* that, in cases in which the Ombudsperson is unable to interview a petitioner in his or her state of residence, the Ombudsperson may request, with the agreement of the petitioner, that the Committee consider granting an exemption to the restriction on travel in paragraph 1 (b) of this resolution for the sole purpose of allowing the petitioner to travel to another State to be interviewed by the Ombudsperson for a period no longer than necessary to participate in this interview, provided that all States of transit and destination do not object to such travel, and further *directs* the Committee to notify the Ombudsperson of the Committee's decision;

37. *Decides* that the Focal Point mechanism established in resolution 1730 (2006) may:

(a) Receive requests from listed individuals, groups, undertakings, and entities for exemptions to the measures outlined in paragraph 1 (a) of this resolution, as defined in resolution 1452 (2002) provided that the request has first been submitted for the consideration of the State of residence, and *decides* further that the Focal Point shall transmit such requests to the Committee for a decision, *directs* the Committee to consider such requests, including in consultation with the State of residence and any other relevant States, and *further directs* the Committee, through the Focal Point, to notify such individuals, groups, undertaking or entities of the Committee's decision;

(b) Receive requests from listed individuals for exemptions to the measures outlined in paragraph 1 (b) of this resolution and transmit these to the Committee to determine, on a case-by-case basis, whether entry or transit is justified, *directs* the Committee to consider such requests in consultation with States of transit and destination and any other relevant States, and *decides further* that the Committee shall only agree to exemptions to the measures in paragraph 1 (b) of this resolution with the agreement of the States of transit and destination, and *further directs* the Committee, through the Focal Point, to notify such individuals of the Committee's decision;

Review and maintenance of the Al-Qaida Sanctions List

38. *Encourages* all Member States, in particular designating States and States of residence or nationality, to submit to the Committee additional identifying and other information, along with supporting documentation, on listed individuals, groups, undertakings and entities, including updates on the operating status of listed entities, groups and undertakings, the movement, incarceration or death of listed individuals and other significant events, as such information becomes available;

39. *Requests* the Monitoring Team to circulate to the Committee every six months a list of individuals and entities on the Al-Qaida Sanctions List whose entries lack identifiers necessary to ensure effective implementation of the measures imposed upon them, and *directs* the Committee to review these listings to decide whether they remain appropriate;

40. *Reaffirms* that the Monitoring Team should circulate to the Committee every six months a list of individuals on the Al-Qaida Sanctions List who are reportedly deceased, along with an assessment of relevant information such as the certification of death, and to the extent possible, the status and location of frozen assets and the names of any individuals or entities who would be in a position to receive any unfrozen assets, *directs* the Committee to review these listings to decide whether they remain appropriate, and *calls upon* the Committee to remove listings of deceased individuals, where credible information regarding death is available;

41. *Reaffirms* that the Monitoring Team should circulate to the Committee every six months a list of entities on the Al-Qaida Sanctions List that are reported or confirmed to have ceased to exist, along with an assessment of any relevant information, *directs* the Committee to review these listings to decide whether they remain appropriate, and *calls upon* the Committee to remove such listings where credible information is available;

42. *Further directs* the Committee, in light of the completion of the review described in paragraph 25 of resolution 1822 (2008), to conduct an annual review of

all names on the Al-Qaida Sanctions List that have not been reviewed in three or more years ("the triennial review"), in which the relevant names are circulated to the designating States and States of residence, nationality, location or incorporation, where known, pursuant to the procedures set forth in the Committee guidelines, to ensure the Al-Qaida Sanctions List is as updated and accurate as possible through identifying listings that no longer remain appropriate and confirming listings that remain appropriate, and *notes* that the Committee's consideration of a delisting request after the date of adoption of this resolution, pursuant to the procedures set out in Annex II of this resolution, should be considered equivalent to a review conducted pursuant to paragraph 26 of resolution 1822 (2008);

Measures implementation

43. *Reiterates* the importance of all States identifying, and if necessary introducing, adequate procedures to implement fully all aspects of the measures described in paragraph 1 above; and recalling paragraph 7 of resolution 1617 (2005), *strongly urges* all Member States to implement the comprehensive international standards embodied in the Financial Action Task Force's (FATF) revised Forty Recommendations on Combating Money Laundering and the Financing of Terrorism and Proliferation, particularly Recommendation 6 on targeted financial sanctions related to terrorism and terrorist financing;

44. *Strongly urges* Member States to apply the elements in FATF's Interpretive Note to Recommendation 6, and to take note of, inter alia, related best practices for effective implementation of targeted financial sanctions related to terrorism and terrorist financing, and *takes note* of the need to have appropriate legal authorities and procedures to apply and enforce targeted financial sanctions that are not conditional upon the existence of criminal proceedings, and to apply an evidentiary standard of proof of "reasonable grounds" or "reasonable basis", as well as the ability to collect or solicit as much information as possible from all relevant sources;

45. *Directs* the Committee to continue to ensure that fair and clear procedures exist for placing individuals and entities on the Al-Qaida List and for removing them as well as for granting exemptions per resolution 1452 (2002), and *directs* the Committee to keep its guidelines under active review in support of these objectives;

46. *Directs* the Committee, as a matter of priority, to review its guidelines with respect to the provisions of this resolution, in particular paragraphs 8, 10, 12, 13, 19, 22, 23, 32, 36, 37, 59, 60, 61 and 62;

47. *Encourages* Member States, including through their permanent missions, and relevant international organizations to meet the Committee for in-depth discussion on any relevant issues;

48. *Requests* the Committee to report to the Council on its findings regarding Member States' implementation efforts, and identify and recommend steps necessary to improve implementation;

49. *Directs* the Committee to identify possible cases of non-compliance with the measures pursuant to paragraph 1 above and to determine the appropriate course of action on each case, and *requests* the Chair, in periodic reports to the Council

pursuant to paragraph 59 below, to provide progress reports on the Committee's work on this issue;

50. *Urges* all Member States, in their implementation of the measures set out in paragraph 1 above, to ensure that fraudulent, counterfeit, stolen and lost passports and other travel documents are invalidated and removed from circulation, in accordance with domestic laws and practices, as soon as possible, and to share information on those documents with other Member States through the INTERPOL database;

51. *Encourages* Member States to share, in accordance with their domestic laws and practices, with the private sector information in their national databases related to fraudulent, counterfeit, stolen and lost identity or travel documents pertaining to their own jurisdictions, and, if a listed party is found to be using a false identity including to secure credit or fraudulent travel documents, to provide the Committee with information in this regard;

52. *Encourages* Member States that issue travel documents to listed individuals to note, as appropriate, that the bearer is subject to the travel ban and corresponding exemption procedures;

53. *Confirms* that no matter should be left pending before the Committee for a period longer than six months, unless the Committee determines on a case-by-case basis that extraordinary circumstances require additional time for consideration, in accordance with the Committee's guidelines;

54. *Encourages* designating States to inform the Monitoring Team whether a national court or other legal authority has reviewed an individual's case and whether any judicial proceedings have begun, and to include any other relevant information when it submits its standard form for listing;

55. *Requests* the Committee to facilitate, through the Monitoring Team or specialized United Nations agencies, assistance on capacity-building for enhancing implementation of the measures, upon request by Member States;

Coordination and outreach

56. *Reiterates* the need to enhance ongoing cooperation among the Committee, the Counter-Terrorism Committee (CTC) and the Committee established pursuant to resolution 1540 (2004), as well as their respective groups of experts, including through, as appropriate, enhanced information-sharing, coordination on visits to countries within their respective mandates, on facilitating and monitoring technical assistance, on relations with international and regional organizations and agencies and on other issues of relevance to all three committees, *expresses its intention* to provide guidance to the committees on areas of common interest in order better to coordinate their efforts and facilitate such cooperation, and *requests* the Secretary-General to make the necessary arrangements for the groups to be co-located as soon as possible;

57. *Encourages* the Monitoring Team and the United Nations Office on Drugs and Crime, to continue their joint activities, in cooperation with the Counter-Terrorism Executive Directorate (CTED) and 1540 Committee experts to assist Member States in their efforts to comply with their obligations under the relevant resolutions, including through organizing regional and subregional workshops;

58. *Requests* the Committee to consider, where and when appropriate, visits to selected countries by the Chair and/or Committee members to enhance the full and effective implementation of the measures referred to in paragraph 1 above, with a view to encouraging States to comply fully with this resolution and resolutions 1267 (1999), 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006), 1822 (2008), 1904 (2009) and 1989 (2011);

59. *Requests* the Committee to report orally, through its Chair, at least once per year, to the Council on the state of the overall work of the Committee and the Monitoring Team, and, as appropriate, in conjunction with the reports by the Chairs of CTC and the Committee established pursuant to resolution 1540 (2004), *expresses its intention* to hold informal consultations at least once per year on the work of the Committee, on the basis of reports from the Chair to the Council, and *further requests* the Chair to hold periodic briefings for all interested Member States;

Monitoring Team

60. *Decides*, in order to assist the Committee in fulfilling its mandate, as well as to support the Ombudsperson, to extend the mandate of the current New York-based Monitoring Team and its members, established pursuant to paragraph 7 of resolution 1526 (2004), for a further period of 30 months, under the direction of the Committee with the responsibilities outlined in annex I, and requests the Secretary-General to make the necessary arrangements to this effect;

61. *Directs* the Monitoring Team to identify, gather information on, and keep the Committee informed of instances and common patterns of non-compliance with the measures imposed in this resolution, as well as to facilitate, upon request by Member States, assistance on capacity-building, *requests* the Monitoring Team to work closely with State(s) of residence, nationality, location or incorporation, designating States and other relevant States, and *further directs* the Monitoring Team to provide recommendations to the Committee on actions taken to respond to non-compliance;

62. *Directs* the Committee, with the assistance of its Monitoring Team, to hold special meetings on important thematic or regional topics and Member States' capacity challenges, in consultation, as appropriate, with the 1373 Committee and its Executive Directorate, CTITF, and with the Financial Action Task Force to identify and prioritize areas for the provision of technical assistance to enable more effective implementation by Member States;

Reviews

63. *Decides* to review the measures described in paragraph 1 above with a view to their possible further strengthening in 18 months, or sooner if necessary;

64. *Decides* to remain actively seized of the matter.

Annex I

In accordance with paragraph 60 of this resolution, the Monitoring Team shall operate under the direction of the Committee and shall have the following responsibilities:

(a) To submit, in writing, two comprehensive, independent reports to the Committee, one by 31 June 2013, and the second by 31 December 2013, on implementation by Member States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved implementation of the measures and possible new measures;

(b) To assist the Ombudsperson in carrying out his or her mandate as specified in Annex II of this resolution, including by providing updated information on those individuals, groups, undertakings or entities seeking their removal from the Al-Qaida Sanctions List;

(c) To assist the Committee in regularly reviewing names on the Al-Qaida Sanctions List, including by undertaking travel and contact with Member States, with a view to developing the Committee's record of the facts and circumstances relating to a listing;

(d) To analyse reports submitted pursuant to paragraph 6 of resolution 1455 (2003), the checklists submitted pursuant to paragraph 10 of resolution 1617 (2005), and other information submitted by Member States to the Committee, as instructed by the Committee;

(e) To assist the Committee in following up on requests to Member States for information, including with respect to implementation of the measures referred to in paragraph 1 of this resolution;

(f) To submit a comprehensive programme of work to the Committee for its review and approval, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities, including proposed travel, based on close coordination with CTED and the 1540 Committee's group of experts to avoid duplication and reinforce synergies;

(g) To work closely and share information with CTED and the 1540 Committee's group of experts to identify areas of convergence and overlap and to help facilitate concrete coordination, including in the area of reporting, among the three Committees;

(h) To participate actively in and support all relevant activities under the United Nations Global Counter-Terrorism Strategy including within the Counter-Terrorism Implementation Task Force, established to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system, in particular through its relevant working groups;

(i) To gather information, on behalf of the Committee, on instances of reported non-compliance with the measures referred to in paragraph 1 of this resolution, including by collating information collected from Member States and engaging with suspected non-compliant parties, and submitting case studies, both on its own initiative and upon the Committee's request, to the Committee for its review;

(j) To present to the Committee recommendations, which could be used by Member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the Al-Qaida Sanctions List;

(k) To assist the Committee in its consideration of proposals for listing, including by compiling and circulating to the Committee information relevant to the proposed listing, and preparing a draft narrative summary referred to in paragraph 14;

(l) To bring to the Committee's attention new or noteworthy circumstances that may warrant a delisting, such as publicly reported information on a deceased individual;

(m) To consult with Member States in advance of travel to selected Member States, based on its programme of work as approved by the Committee;

(n) To coordinate and cooperate with the national counter-terrorism focal point or similar coordinating body in the country of visit, where appropriate;

(o) To encourage Member States to submit names and additional identifying information for inclusion on the Al-Qaida Sanctions List, as instructed by the Committee;

(p) To present to the Committee additional identifying and other information to assist the Committee in its efforts to keep the Al-Qaida Sanctions List as updated and accurate as possible;

(q) To study and report to the Committee on the changing nature of the threat of Al-Qaida and the best measures to confront it, including by developing a dialogue with relevant scholars and academic bodies, in consultation with the Committee;

(r) To collate, assess, monitor and report on and make recommendations regarding implementation of the measures, including implementation of the measure in paragraph 1 (a) of this resolution as it pertains to preventing the criminal misuse of the Internet by Al-Qaida, and other individuals, groups, undertakings and entities associated with it; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;

(s) To consult with Member States and other relevant organizations, including regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be contained in the Monitoring Team's reports referred to in paragraph (a) of this annex;

(t) To consult with Member States' intelligence and security services, including through regional forums, in order to facilitate the sharing of information and to strengthen enforcement of the measures;

(u) To consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure;

(v) To work with relevant international and regional organizations in order to promote awareness of, and compliance with, the measures;

(w) To assist the Committee in facilitating assistance on capacity-building for enhancing implementation of the measures, upon request by Member States;

(x) To work with INTERPOL and Member States to obtain photographs of listed individuals for possible inclusion in INTERPOL Special Notices, and to work with INTERPOL to ensure that INTERPOL-UN Special Notices exist for all listed individuals, groups, undertakings, and entities;

(y) To assist other subsidiary bodies of the Security Council, and their expert panels, upon request, with enhancing their cooperation with INTERPOL, referred to in resolution 1699 (2006), and to work with the Secretariat to discuss measures to standardize the format of all UN sanctions lists so as to facilitate implementation by national authorities;

(z) To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities;

(aa) To report periodically, as appropriate, to the Committee on linkages between Al-Qaida and those individuals, groups, undertakings or entities eligible for designation under paragraph 1 of resolution XXXX (2012) or any other relevant sanctions resolutions; and

(bb) Any other responsibility identified by the Committee.

Annex II

In accordance with paragraph 19 of this resolution, the Office of the Ombudsperson shall be authorized to carry out the following tasks upon receipt of a delisting request submitted by, or on behalf of, an individual, group, undertaking or entity on the Al-Qaida Sanctions List or by the legal representative or estate of such individual, group, undertaking or entity ("the petitioner").

The Council recalls that Member States are not permitted to submit delisting petitions on behalf of an individual, group, undertaking or entity to the Office of the Ombudsperson.

Information gathering (four months)

1. Upon receipt of a delisting request, the Ombudsperson shall:

(a) Acknowledge to the petitioner the receipt of the delisting request;

(b) Inform the petitioner of the general procedure for processing delisting requests;

(c) Answer specific questions from the petitioner about Committee procedures;

(d) Inform the petitioner in case the petition fails to properly address the original designation criteria, as set forth in paragraph 2 of this resolution, and return it to the petitioner for his or her consideration; and,

(e) Verify if the request is a new request or a repeated request and, if it is a repeated request to the Ombudsperson and it does not contain any additional information, return it to the petitioner for his or her consideration.

2. For delisting petitions not returned to the petitioner, the Ombudsperson shall immediately forward the delisting request to the members of the Committee, designating State(s), State(s) of residence and nationality or incorporation, relevant United Nations bodies, and any other States deemed relevant by the Ombudsperson. The Ombudsperson shall ask these States or relevant United Nations bodies to provide, within four months, any appropriate additional information relevant to the delisting request. The Ombudsperson may engage in dialogue with these States to determine:

(a) These States' opinions on whether the delisting request should be granted; and

(b) Information, questions or requests for clarifications that these States would like to be communicated to the petitioner regarding the delisting request, including any information or steps that might be taken by a petitioner to clarify the delisting request.

3. The Ombudsperson shall also immediately forward the delisting request to the Monitoring Team, which shall provide to the Ombudsperson, within four months:

(a) All information available to the Monitoring Team that is relevant to the delisting request, including court decisions and proceedings, news reports, and information that States or relevant international organizations have previously shared with the Committee or the Monitoring Team;

(b) Fact-based assessments of the information provided by the petitioner that is relevant to the delisting request; and

(c) Questions or requests for clarifications that the Monitoring Team would like asked of the petitioner regarding the delisting request.

4. At the end of this four-month period of information gathering, the Ombudsperson shall present a written update to the Committee on progress to date, including details regarding which States have supplied information, and any significant challenges encountered therein. The Ombudsperson may extend this period once for up to two months if he or she assesses that more time is required for information gathering, giving due consideration to requests by Member States for additional time to provide information.

Dialogue (two months)

5. Upon completion of the information gathering period, the Ombudsperson shall facilitate a two-month period of engagement, which may include dialogue with the petitioner. Giving due consideration to requests for additional time, the Ombudsperson may extend this period once for up to two months if he or she assesses that more time is required for engagement and the drafting of the Comprehensive Report described in paragraph 7 below. The Ombudsperson may shorten this time period if he or she assesses less time is required.

6. During this period of engagement, the Ombudsperson:

(a) May ask the petitioner questions or request additional information or clarifications that may help the Committee's consideration of the request, including any questions or information requests received from relevant States, the Committee and the Monitoring Team;

(b) Should request from the petitioner a signed statement in which the petitioner declares that they have no ongoing association with Al-Qaida, or any cell, affiliate, splinter group, or derivative thereof, and undertakes not to associate with Al-Qaida in the future;

(c) Should meet with the petitioner, to the extent possible;

(d) Shall forward replies from the petitioner back to relevant States, the Committee and the Monitoring Team and follow up with the petitioner in connection with incomplete responses by the petitioner;

(e) Shall coordinate with States, the Committee and the Monitoring Team regarding any further inquiries of, or response to, the petitioner;

(f) During the information gathering or dialogue phase, the Ombudsperson may share with relevant States information provided by a State, including that State's position on the delisting request, if the State which provided the information consents;

(g) In the course of the information gathering and dialogue phases and in the preparation of the report, the Ombudsperson shall not disclose any information shared by a state on a confidential basis, without the express written consent of that State; and,

(h) During the dialogue phase, the Ombudsperson shall give serious consideration to the opinions of designating states, as well as other Member States that come forward with relevant information, in particular those Member States most affected by acts or associations that led to the original designation.

7. Upon completion of the period of engagement described above, the Ombudsperson, with the help of the Monitoring Team, shall draft and circulate to the Committee a Comprehensive Report that will exclusively:

(a) Summarize and, as appropriate, specify the sources of, all information available to the Ombudsperson that is relevant to the delisting request. The report shall respect confidential elements of Member States' communications with the Ombudsperson;

(b) Describe the Ombudsperson's activities with respect to this delisting request, including dialogue with the petitioner; and

(c) Based on an analysis of all the information available to the Ombudsperson and the Ombudsperson's recommendation, lay out for the Committee the principal arguments concerning the delisting request. The recommendation should state the Ombudsperson's views with respect to the listing as of the time of the examination of the delisting request.

Committee discussion

8. After the Committee has had fifteen days to review the Comprehensive Report in all official languages of the United Nations, the Chair of the Committee shall place the delisting request on the Committee's agenda for consideration.

9. When the Committee considers the delisting request, the Ombudsperson, aided by the Monitoring Team, as appropriate, shall present the Comprehensive Report in person and answer Committee members' questions regarding the request.

10. Committee consideration of the Comprehensive Report shall be completed no later than thirty days from the date the Comprehensive Report is submitted to the Committee for its review.

11. After the Committee has completed its consideration of the Comprehensive Report, the Ombudsperson may notify all relevant States of the recommendation.

12. In cases where the Ombudsperson recommends retaining the listing, the requirement for States to take the measures in paragraph 1 of this resolution shall remain in place with respect to that individual, group, undertaking or entity, unless a Committee member submits a delisting request, which the Committee shall consider under its normal consensus procedures.

13. In cases where the Ombudsperson recommends that the Committee consider delisting, the requirement for States to take the measures described in paragraph 1 of this resolution shall terminate with respect to that individual, group, undertaking or entity sixty days after the Committee completes consideration of a Comprehensive Report of the Ombudsperson, in accordance with this annex II, including paragraph 6 (h), unless the Committee decides by consensus before the end of that sixty-day period that the requirement shall remain in place with respect to that individual, group, undertaking or entity; *provided* that, in cases where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the

question of whether to delist that individual, group, undertaking or entity to the Security Council for a decision within a period of sixty days; and *provided further* that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in force for that period with respect to that individual, group, undertaking or entity until the question is decided by the Security Council.

14. After the Committee decides to accept or reject the delisting request, the Committee shall convey to the Ombudsperson its decision, setting out its reasons, and including any further relevant information about the Committee's decision, and an updated narrative summary of reasons for listing, where appropriate, for the Ombudsperson to transmit to the petitioner.

15. After the Committee has informed the Ombudsperson that the Committee has rejected a delisting request, then the Ombudsperson shall send to the petitioner, with an advance copy sent to the Committee, within fifteen days a letter that:

(a) Communicates the Committee's decision for continued listing;

(b) Describes, to the extent possible and drawing upon the Ombudsperson's Comprehensive Report, the process and publicly releasable factual information gathered by the Ombudsperson; and

(c) Forwards from the Committee all information about the decision provided to the Ombudsperson pursuant to paragraph 14 above.

16. In all communications with the petitioner, the Ombudsperson shall respect the confidentiality of Committee deliberations and confidential communications between the Ombudsperson and Member States.

17. The Ombudsperson may notify the petitioner, as well as those States relevant to a case but which are not members of the Committee, of the stage at which the process has reached.

Other Office of the Ombudsperson Tasks

18. In addition to the tasks specified above, the Ombudsperson shall:

(a) Distribute publicly releasable information about Committee procedures, including Committee Guidelines, fact sheets and other Committee-prepared documents;

(b) Where address is known, notify individuals or entities about the status of their listing, after the Secretariat has officially notified the Permanent Mission of the State or States, pursuant to paragraph 17 of this resolution; and

(c) Submit biannual reports summarizing the activities of the Ombudsperson to the Security Council.

United Nations S/2012/929

Security Council

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France, Portugal, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions on international terrorism and the threat it poses to Afghanistan, in particular its resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1699 (2006), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009), 1988 (2011), 1989 (2011), and the relevant statements of its President,

Recalling its previous resolutions extending through 23 March 2013 the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) as established by resolution 2041 (2012),

Recalling its resolutions on the recruitment and use of children and armed conflict,

Expressing its strong concern about the security situation in Afghanistan, in particular the ongoing violent and terrorist activities by the Taliban, Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade, and the strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, national security forces and international military and civilian personnel,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Stressing the importance of a comprehensive political process in Afghanistan to support reconciliation among all Afghans,

Recognizing that the security situation in Afghanistan has evolved and that some members of the Taliban have reconciled with the Government of Afghanistan, have rejected the terrorist ideology of Al-Qaida and its followers, and support a peaceful resolution to the continuing conflict in Afghanistan,

Recognizing that notwithstanding the evolution of the situation in Afghanistan and progress in reconciliation, the situation in Afghanistan remains a threat to international peace and security, and *reaffirming* the need to combat this threat by all means, in accordance with the Charter of the United Nations and international law, including applicable human rights, refugee and humanitarian law, stressing in this regard the important role the United Nations plays in this effort,

Please recycle

Reiterating its firm commitment to support the Government of Afghanistan in its efforts to advance the peace and reconciliation process, in line with the Kabul Communiqué and the Bonn Conference Conclusions, and within the framework of the Afghan Constitution and application of the procedures introduced by the Security Council in its resolution 1988 (2011) as well as other relevant resolutions of the Council,

Welcoming the decision taken by some members of the Taliban to reconcile with the Government of Afghanistan, to reject the terrorist ideology of Al-Qaida and its followers, and to support a peaceful resolution to the continuing conflict in Afghanistan, and *urging* all those individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan, to accept the Government of Afghanistan's offer of reconciliation,

Reiterating the need to ensure that the present sanctions regime contributes effectively to ongoing efforts to combat the insurgency and support the Government of Afghanistan's work to advance reconciliation in order to bring about peace, stability, and security in Afghanistan,

Taking note of the Government of Afghanistan's request that the Security Council support national reconciliation, including by removing names from the United Nations sanctions lists for those who reconcile, and, therefore, have ceased to engage in or support activities that threaten the peace, stability and security of Afghanistan,

Expressing its intention to give due regard to lifting sanctions on those who reconcile,

Welcoming the appointment of the new chairman of the High Peace Council in April 2012 as an important step in the Afghan-led and Afghan-owned peace and reconciliation process,

Stressing the central and impartial role that the United Nations continues to play in promoting peace, stability and security in Afghanistan, and *expressing* its appreciation and strong support for the ongoing efforts of the Secretary-General and his Special Representative for Afghanistan to assist the High Peace Council's peace and reconciliation efforts,

Reiterating its support for the fight against illicit production and trafficking of drugs from, and chemical precursors to, Afghanistan, in neighbouring countries, countries on trafficking routes, drug destination countries and precursors producing countries,

Condemning the incidence of kidnapping and hostage-taking with the aim of raising funds, or gaining political concessions, and *expressing* the need for this issue to be addressed,

Acting under Chapter VII of the Charter of the United Nations,

Measures

1. *Decides* that all States shall take the following measures with respect to individuals and entities designated prior to the date of adoption of resolution 1988 (2011) as the Taliban, as well as other individuals, groups, undertakings and entities

associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee established in paragraph 30 of resolution 1988 ("the Committee"), (hereafter known as "the List"):

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory;

(b) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified, including where this directly relates to supporting efforts by the Government of Afghanistan to promote reconciliation;

(c) Prevent the direct or indirect supply, sale, or transfer to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance, or training related to military activities;

2. *Decides* that the acts or activities indicating that an individual, group, undertaking or entity is eligible for designation under paragraph 1 include:

(a) Participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;

(b) Supplying, selling or transferring arms and related materiel to;

(c) Recruiting for; or

(d) Otherwise supporting acts or activities of those designated and other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan;

3. *Affirms* that any undertaking or entity owned or controlled, directly or indirectly by, or otherwise supporting, such an individual, group, undertaking or entity on the List, shall be eligible for designation;

4. *Notes* that such means of financing or support include but are not limited to the use of proceeds derived from illicit cultivation, production and trafficking of narcotic drugs and their precursors originating in and transiting through Afghanistan;

5. *Confirms* that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of those on this List, as well as other individuals, groups, undertakings or entities

associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan;

6. *Confirms* further that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the List;

7. *Decides* that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen;

Exemptions

8. *Recalls* its decision that all Member States may make use of the provisions set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006) regarding available exemptions with regard to the measures in paragraph 1 (a), and encourages their use by Member States;

9. *Underlines* the importance of a comprehensive political process in Afghanistan to support peace and reconciliation among all Afghans, invites the Government of Afghanistan, in close coordination with the High Peace Council, to submit for the Committee's consideration the names of listed individuals for whom it confirms travel to such specified location or locations is necessary to participate in meetings in support of peace and reconciliation, and *requires* such submissions to include, to the extent possible, the following information:

(a) The passport number or travel document number of the listed individual;

(b) The specific location or locations to which each listed individual is expected to travel and their anticipated transit points, if any;

(c) The period of time, not to exceed nine months, during which listed individuals are expected to travel;

10. *Decides* that the travel ban imposed by paragraph 1 (b) shall not apply to individuals identified pursuant to paragraph 9 above, where the Committee determines, on a case-by-case basis only, that such entry or transit is justified, further *decides* that any such exemption approved by the Committee shall only be granted for the requested period for any travel to the specified location or locations, *directs* the Committee to decide on all such exemption requests, as well as on requests to amend or renew previously-granted exemptions, or on a request by any Member State to revoke previously-granted exemptions, within ten days of receiving them; and *affirms* that, notwithstanding any exemption from the travel ban, listed individuals remain subject to the other measures outlined in paragraph 1 of this resolution;

11. *Requests* the Government of Afghanistan, through the Monitoring Team, to provide to the Committee, for its consideration and review, a report on each individual's travel under a granted exemption, promptly upon the exemption's expiration, and encourages relevant Member States to provide information to the Committee, as appropriate, on any instances of non-compliance;

Listing

12. *Encourages* all Member States, in particular the Government of Afghanistan, to submit to the Committee for inclusion on the List names of individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities described in paragraph 2 above;

13. *Recalls* its decision that, when proposing names to the Committee for inclusion on the List, Member States shall provide the Committee with as much relevant information as possible on the proposed name, in particular sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings and entities, and to the extent possible, the information required by Interpol to issue a Special Notice; and *directs* the Monitoring Team to report to the Committee on further steps that could be taken to improve identifying information, as well as steps to ensure that INTERPOL-United Nations Special Notices exist for all listed individuals, groups, undertakings, and entities;

14. *Recalls* its decision that, when proposing names to the Committee for inclusion on the List, Member States shall also provide a detailed statement of case, and that the statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing described in paragraph 15 below;

15. *Directs* the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee's website, at the same time a name is added to the List, a narrative summary of reasons for listing for the corresponding entry;

16. *Calls upon* all members of the Committee and the Monitoring Team to share with the Committee any appropriate information they may have available regarding a listing request from a Member State so that this information may help inform the Committee's decision on designation and provide additional material for the narrative summary of reasons for listing described in paragraph 15;

17. *Requests* the Secretariat to publish on the Committee's website all relevant publicly releasable information, including the narrative summary of reasons for listing, immediately after a name is added to the List, and *highlights* the importance of making the narrative summary of reasons for listing available in all official languages of the United Nations in a timely manner;

18. *Strongly urges* Member States, when considering the proposal of a new designation, to consult with the Government of Afghanistan on the designation prior to submission to the Committee, to ensure coordination with the Government of Afghanistan's peace and reconciliation efforts, and *encourages* all Member States considering the proposal of a new designation to seek advice from UNAMA, where appropriate;

19. *Decides* that the Committee shall, after publication but within three working days after a name is added to the List, notify the Government of Afghanistan, the Permanent Mission of Afghanistan, and the Permanent Mission of the State(s) where the individual or entity is believed to be located and, in the case

of non-Afghan individuals or entities, the State(s) of which the person is believed to be a national;

Delisting

20. *Directs* the Committee to remove expeditiously individuals and entities on a case-by-case basis that no longer meet the listing criteria outlined in paragraph 2 above, and *requests* that the Committee give due regard to requests for removal of individuals who have reconciled, in accordance with the 20 July 2010 Kabul Conference Communiqué on dialogue for all those who renounce violence, have no links to international terrorist organizations, including Al-Qaida, respect the constitution, including its human rights provisions, notably the rights of women, and are willing to join in building a peaceful Afghanistan, and as further elaborated in the principles and outcomes of the 5 December 2011 Bonn Conference Conclusions supported by the Government of Afghanistan and the international community;

21. *Strongly urges* Member States to consult with the Government of Afghanistan on their delisting requests prior to submission to the Committee, to ensure coordination with the Government of Afghanistan's peace and reconciliation efforts;

22. *Recalls* its decision that individuals and entities seeking removal from the List without the sponsorship of a Member State are eligible to submit such requests to the Focal Point mechanism established in resolution 1730 (2006);

23. *Encourages* UNAMA to support and facilitate cooperation between the Government of Afghanistan and the Committee to ensure that the Committee has sufficient information to consider delisting requests, and *directs* the Committee to consider delisting requests in accordance with the following principles, where relevant:

(a) Delisting requests concerning reconciled individuals should, if possible, include a communication from the High Peace Council through the Government of Afghanistan confirming the reconciled status of the individual according to the reconciliation guidelines, or, in the case of individuals reconciled under the Strengthening Peace Program, documentation attesting to their reconciliation under the previous programme; as well as current address and contact information;

(b) Delisting requests concerning individuals who formerly held positions in the Taliban regime prior to 2002 who no longer meet the listing criteria outlined in paragraph 2 of this resolution should, if possible, include a communication from the Government of Afghanistan confirming that the individual is not an active supporter of, or participant in, acts that threaten the peace, stability and security of Afghanistan, as well as current address and contact information;

(c) Delisting requests for reportedly deceased individuals should include an official statement of death from the state of nationality, residence, or other relevant state;

24. *Urges* the Committee, where appropriate, to invite a representative of the Government of Afghanistan to appear before the Committee to discuss the merits of listing or delisting certain individuals, groups, undertakings, and entities, including when a request by the Government of Afghanistan has been put on hold or rejected by the Committee;

25. *Requests* all Member States, but particularly the Government of Afghanistan, to inform the Committee if they become aware of any information indicating that an individual, group, undertaking or entity that has been delisted should be considered for designation under paragraph 1 of this resolution, and *further requests* that the Government of Afghanistan provide to the Committee an annual report on the status of reportedly reconciled individuals who have been delisted by the Committee in the previous year;

26. *Directs* the Committee to consider expeditiously any information indicating that a delisted individual has returned to activities set forth in paragraph 2, including by engaging in acts inconsistent with paragraph 20 of this resolution, and *requests* the Government of Afghanistan or other Member States, where appropriate, to submit a request to add that individual's name back on the List;

27. *Confirms* that the Secretariat shall, as soon as possible after the Committee has made a decision to remove a name from the List, transmit the decision to the Government of Afghanistan and the Permanent Mission of Afghanistan for notification, and the Secretariat should also, as soon as possible, notify the Permanent Mission of the State(s) in which the individual or entity is believed to be located and, in the case of non-Afghan individuals or entities, the State(s) of nationality, and *recalls* it decision that States receiving such notification take measures, in accordance with domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

Review and maintenance of the List

28. *Recognizes* that the ongoing conflict in Afghanistan, and the urgency that the Government of Afghanistan and the international community attach to a peaceful political solution to the conflict, requires timely and expeditious modifications to the List, including the addition and removal of individuals and entities, *urges* the Committee to decide on listing and delisting requests in a timely manner, *requests* the Committee to review each entry on the List on a regular basis, including, as appropriate, by means of reviews of individuals considered to be reconciled, individuals whose entries lack identifiers, individuals reportedly deceased, and entities reported or confirmed to have ceased to exist, *directs* the Committee to review and amend its guidelines for such reviews, as appropriate, and *requests* the Monitoring Team to circulate to the Committee every twelve months:

(a) A list of individuals on the List whom the Afghan Government considers to be reconciled along with relevant documentation as outlined in paragraph 23 (a);

(b) A list of individuals and entities on the List whose entries lack identifiers necessary to ensure effective implementation of the measures imposed upon them; and,

(c) A list of individuals on the List who are reportedly deceased and entities that are reported or confirmed to have ceased to exist, along with the documentation requirements outlined in paragraph 23 (c);

29. *Decides* that, with the exception of decisions made pursuant to paragraph 10 of this resolution, no matter shall be left pending before the Committee for a period longer than six months, *urges* Committee members to respond within three months, and *directs* the Committee to update its guidelines as appropriate;

30. *Urges* the Committee to ensure that there are fair and clear procedures for the conduct of its work, and *directs* the Committee to review its guidelines as soon as possible, in particular with respect to paragraphs 8, 9, 10, 11, 13, 14, 17, 24, 28, 29, and 32;

31. *Encourages* Member States and relevant international organizations to send representatives to meet with the Committee to share information and discuss any relevant issues;

Cooperation with the Government of Afghanistan

32. *Welcomes* periodic briefings from the Government of Afghanistan on the content of the list, as well as on the impact of targeted sanctions on deterring threats to the peace, stability and security of Afghanistan, and supporting Afghan-led reconciliation;

33. *Encourages* continued cooperation amongst the Committee, the Government of Afghanistan, and UNAMA, including by identifying and providing detailed information regarding individuals and entities participating in the financing or support of acts or activities set forth in paragraph 2 of this resolution, and by inviting UNAMA representatives to address the Committee;

34. *Welcomes* the Government of Afghanistan's desire to assist the Committee in the coordination of listing and delisting requests and in the submission of all relevant information to the Committee;

Monitoring Team

35. *Decides*, in order to assist the Committee in fulfilling its mandate, that the 1267 Monitoring Team, established pursuant to paragraph 7 of resolution 1526 (2004), shall also support the Committee for a period of 30 months, with the mandate set forth in Annex A of this resolution, and *requests* the Secretary-General to make any necessary arrangements to this effect;

36. *Directs* the Monitoring Team to gather information on instances of non-compliance with the measures imposed in this resolution and to keep the Committee informed of such instances, as well as to facilitate, upon request by Member States, assistance on capacity building, *encourages* Committee members to address issues of non-compliance and bring them to the attention of the Monitoring Team or Committee, and *further directs* the Monitoring Team to provide recommendations to the Committee on actions taken to respond to non-compliance;

Coordination and outreach

37. *Recognizes* the need to maintain contact with relevant United Nations Security Council Committees, international organizations and expert groups, including the Committee established pursuant to resolution 1267 (1999), the Counter Terrorism Committee (CTC), the United Nations Office of Drugs and Crime, the Counter-Terrorism Executive Directorate (CTED), and the Committee established pursuant to resolution 1540 (2004), particularly given the continuing presence and negative influence on the Afghan conflict by Al-Qaida, and any cell, affiliate, splinter group or derivative thereof;

38. *Encourages* UNAMA to provide assistance to the High Peace Council, at its request, to encourage listed individuals to reconcile;

Reviews

39. *Decides* to review the implementation of the measures outlined in this resolution in eighteen months and make adjustments, as necessary, to support peace and stability in Afghanistan;

40. *Decides* to remain actively seized of the matter.

Annex

In accordance with paragraph 35 of this resolution, the Monitoring Team shall operate under the direction of the Committee and shall have the following responsibilities:

(a) To submit, in writing, two comprehensive, independent reports to the Committee, one by 31 September 2013, and the second by 31 April 2014, on implementation by Member States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved implementation of the measures and possible new measures;

(b) To assist the Committee in regularly reviewing names on the List, including by undertaking travel and contact with Member States, with a view to developing the Committee's record of the facts and circumstances relating to a listing;

(c) To assist the Committee in following up on requests to Member States for information, including with respect to implementation of the measures referred to in paragraph 1 of this resolution;

(d) To submit a comprehensive programme of work to the Committee for its review and approval, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities, including proposed travel;

(e) To gather information on behalf of the Committee on instances of reported non-compliance with the measures referred to in paragraph 1 of this resolution, including by collating information collected from Member States and engaging with suspected non-compliant parties, and submitting case studies, both on its own initiative and upon the Committee's request, to the Committee for its review;

(f) To present to the Committee recommendations, which could be used by Member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the List;

(g) To assist the Committee in its consideration of proposals for listing, including by compiling and circulating to the Committee information relevant to the proposed listing, and preparing a draft narrative summary referred to in paragraph 15;

(h) To bring to the Committee's attention new or noteworthy circumstances that may warrant a delisting, such as publicly-reported information on a deceased individual;

(i) To consult with Member States in advance of travel to selected Member States, based on its programme of work as approved by the Committee;

(j) To encourage Member States to submit names and additional identifying information for inclusion on the List, as instructed by the Committee;

(k) To present to the Committee additional identifying and other information to assist the Committee in its efforts to keep the List as updated and accurate as possible;

(l) To collate, assess, monitor and report on and make recommendations regarding implementation of the measures; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;

(m) To consult with Member States and other relevant organizations and bodies, including UNAMA, and engage in regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be contained in the Monitoring Team's reports referred to in paragraph (a) of this annex;

(n) To consult with Member States' intelligence and security services, including through regional forums, in order to facilitate the sharing of information and to strengthen enforcement of the measures;

(o) To consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure;

(p) To work with relevant international and regional organizations in order to promote awareness of, and compliance with, the measures;

(q) To work with INTERPOL and Member States to obtain photographs of listed individuals for possible inclusion in INTERPOL Special Notices;

(r) To assist other subsidiary bodies of the Security Council, and their expert panels, upon request, with enhancing their cooperation with INTERPOL, referred to in resolution 1699 (2006);

(s) To assist the Committee in facilitating assistance in capacity building for enhancing implementation of the measures, upon request by Member States;

(t) To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities;

(u) To report periodically, as appropriate, to the Committee on linkages between Al-Qaida and those individuals, groups, undertakings and entities eligible for designation under paragraph 1 of this resolution or any other relevant sanctions resolutions;

(v) To gather information, including from the Government of Afghanistan and relevant Member States, on travel that takes place under a granted exemption, pursuant to paragraphs 9 and 10, and to report to the Committee, as appropriate; and

(w) Any other responsibility identified by the Committee.